

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

THE PAINTING KNOWN AS "LE MARCHE,"  
CREATED BY CAMILLE PISSARRO, LOCATED  
AT SOTHEBY'S, 1334 YORK AVENUE, NEW  
YORK, NEW YORK,

Defendant-in-rem.

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No. 06 Civ. 12994 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

By order dated July 2, 2009, the Court granted in part and denied in part the parties' cross-motions for summary judgment, and ordered that the parties provide the Court with (1) a *joint* pretrial order, (2) their motions *in limine*, and their responses to each other's motions *in limine*, in a *single, jointly-submitted* document; and (3) their proposed voir dire and proposed jury instructions, in *single, jointly-submitted documents*, no later than September 1, 2009. By order dated July 15, 2009, the Court denied Claimant's request for leave to file an interlocutory appeal. By order dated August 5, 2009, the Court denied Claimant's request for a stay of the Court's July 2, 2009 order.

Notwithstanding the Court's denial of Claimant's request for leave to file an interlocutory appeal, Claimant filed an appeal with the United States Court of Appeals for the Second Circuit, and, by order dated August 28, 2009, the Second Circuit granted Claimant's "request for an interim stay of the July 2, 2009 Scheduling Order." In compliance with this mandate, this Court stayed its July 2, 2009 Order by order dated August 28, 2009.

By order dated October 7, 2009, the Second Circuit, not unexpectedly, denied Claimant's amended petition for leave to appeal and lifted the previously ordered stay. Subsequently, this Court, by order dated October 8, 2009, for the *second time* ordered that the parties provide the Court with (1) a joint pretrial order, (2) their motions *in limine*, and their responses to each other's motions *in limine*, in a *single, jointly-submitted* document; and (3) their proposed voir dire and proposed jury instructions, in *single, jointly-submitted documents*, this time no later than November 16, 2009.

The Court is now in receipt of a letter from Plaintiff, dated November 16, 2009, informing the Court that it "intends" to comply with the Court's previous orders and provide the aforementioned documents, but requesting permission to make a "supplemental submission" on November 23, 2009, and attributing the need for such a submission to Claimant's tardiness in regard to, *inter alia*, providing Plaintiff with "a final memorandum of law in support of Claimant's motions *in limine*." The Court is also in receipt of a letter from Claimant, dated November 16, 2009, "disagree[ing] with most of the factual assertions" made by Plaintiff. Finally, the Court is in receipt of a letter submitted on behalf of both parties, dated November 16, 2009, which provides the Court with a "proposed revised scheduling order" that purports to be "[i]n connection with the issues raised in both parties' letters submitted to the Court earlier today."

In light of the fact that the parties have been aware of the required documents since the Court's July 2, 2009 order — which was only stayed only *four days* before the documents were due — and that, after the stay was lifted, the Court provided the parties with more than *one additional month* to compile the required documents, the Court finds the parties' inability to

comply with its previous orders and submit *joint* documents inexcusable. Accordingly, Plaintiff's request to file a separate "supplemental submission" is denied.

In the interest of efficiency and conservation of judicial resources, however, the Court will reluctantly provide the parties with a one-week extension to submit the required documents in the proper *joint* format.

It is therefore HEREBY ORDERED that:

The parties shall submit a joint pretrial order, as set forth in my Individual Practices, Rule 3, no later than November 23, 2009.


The parties shall submit their motions *in limine*, and their responses to each other's motions *in limine*, in a single, jointly-submitted document, no later than November 23, 2009.

The parties shall submit their proposed voir dire and proposed jury instructions, in single, jointly-submitted documents, no later than November 23, 2009.

The parties are reminded that a settlement conference will be held on Friday, December 4, 2009 at 4:00 p.m., a final pre-trial conference will be held on Friday, December 18, 2009 at 2:00 p.m., and a one-week jury trial will be held beginning on January 4, 2010. The parties are advised that continued failure to abide by this Court's orders may result in sanctions.

SO ORDERED.

Dated: November 16, 2009  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE